

Application number: 09/827788

Art Unit: 3625

Applicant: Khai Hee Kwan

Examiner: Robert Rhode.

Title: Computer Network Method for conducting payment over a network by debiting and crediting telecommunication accounts.

Remarks/Arguments

In advisory notice mailed Feb 3 2006., the examiner refers to our response faxed Jan 20-2006. However, our record shows there was no response on that date and in fact, the applicant has only responded on Jan 14 2006 and a supplementary on Feb 1 2006 (Sydney, Australia Time). We presumed that the examiner is referring to Jan 20-2006.

The applicant submits that those exhibits are to show the examiner the relationship between sub-account and main account whereby main is not a relative word in the general context, such that the word 'main' has specific meaning within the accounting field well understood by those who ordinarily practiced said art.

The applicant also submits that the issue with 'who and what' as per said advisory notice has now been settled by the amendments above. This amendment is made to facilitate this application. The applicant however submits that the reasoning provided in *In re Rainer*, 49 CCPA 1243, 1248, 305 F.2d 505, 509, 134 USPQ 343, 346 (1962) still stands where practical limits are concerned whereby said limitations are clearly alluded in our specification. (See our response faxed 14 Jan 2006 at page 3 to final rejection)

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Claim 1.

The elements amended includes the subject matter of user to user payment which claims priority from Application 09/396,005 which is not found in Woodhill. The antecedent for this can be found in page 21 (originally filed) under the label of "**Objects of Invention/Summary of Invention**" of the specification or alternatively 2 paragraphs just before the label "**Brief Description of the Drawings**" (**looking back**). And we quote "In accordance with another object of the invention, the method and apparatus provide for the wire transfer of funds to a transferee over this network. In order to carry out the wire transfer, the user enters his own account number and password and the account number of the person who is to receive the wire transfer. Preferably, a receipt code is issued to the user. In the preferred embodiment of the invention, the actual payment for the wire can be seen as a mere book transfer between two accounts, that is debiting the user and crediting the recipient's account and once this is completed, the user will be given a receipt number by the host computer and the host computer will dial the recipient's telephone number (if any) to inform the recipient of 'new developments' in his/her account. Alternatively, an email can be sent. The latter is optional and of course a fee will be charge for this service."

The applicant has also shifted the two network authentication to Claim 3. As mentioned, the applicant submits that Woodhill was not the first to invent this method which is also described by 09/396005. For example, see page 7 line 13 to line 20. And we quote "One set of these codes is sent by the merchant system to the buyer in the form of an encrypted email and another to the host computer. For anonymous payment, on receiving this code, the buyer has to log onto the World-Wide-Web site of this Invention (the host computer) to input this code which usually has a timed life. This code will be analysed and matched to the merchant's code and the details of the purchase will be shown for verification.

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Alternative if he/she has an account or call a special number and follow the instructions to complete the purchase. “

Also See page 8 line 5 –10

“ Even the email is intercepted, the code is encrypted and of little use. Up to the point where the codes are physically inputted back using computer keyboard or telephone pad and transmitted to the host computer, it has no value at all. For account users, a safety feature here is that only buyers can logon to complete the transaction as the password, computer IP address and telephone number are recorded as well. “

It is well understood by one skilled in the art that email travels in one network and by using a telephone in another network. Furthermore the current amendment now includes the distinct feature of being the single contact point for processing transaction from two different telecommunication service provider which is not found in Woodhill. The antecedent for this can be found in Fig 3 where it shows TWO different carriers. The applicant has also amended telecommunication service provider to telecommunication carrier provider since an ISP may not necessarily be the carrier provider (providing the infrastructure to support the examiner’s inherency point). In effect, the internet infrastructure is a public facility owned by all participants connected to the network.

The applicant therefore submits that the claim should be allowed.

Claim 2.

This claim refers to the payment processor being coupled with a telecommunication service provider’s server. There is no payment processor in Woodhill as previously submitted. Woodhill described a way to authenticate a user over a web-site. Woodhill

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also described an authorization method using a financial charge card. Secondly it is also pertinent the teaching of charging a financial account in Woodhill US Pat 6934858 at Col 21 line 63 and Col 22 line 38 to line 67 was ONLY ADDED through an amendment to the specification dated Oct 25, 2004 in response to a 35 USC 112 Para 1 rejection (See para 5 of Action Letter mailed July 22, 2004 rejecting Claims 52-54 and subsequent response by Woodhill at page 16 of said response mailed Oct 25, 2004). The current view in regards to original filed claims having their own descriptions satisfying 35 USC 112 has been placed in doubt since the decision of the United States Court of Appeals for the Federal Circuit, the case of Lizardtech v Earth Resource Mapping Inc (case number 05-1062, decided Oct 4, 2005) and we quote “Finally, LizardTech argues that it is significant that claim 21 is part of the original disclosure and was not added at a later point. While it is true that an originally filed claim can provide the requisite written description to satisfy section 112, see Union Oil Co., 208 F.3d at 998 n.4, nothing in claim 21 or the specification constitutes an adequate and enabling description of all seamless DWTs.” at page 20 (emphasis ours) . Therefore, the applicant’s question is whether the claims 52-54 and specification in Woodhill actually constitutes an adequate and enabling description at time of filing including using a payment processor capable of manipulating remote telecommunication accounts. It must be noted that in Lizardtech case, there was no question of 35 USC 112 during prosecution and the claim 21 was allowed.

If this is accepted then this clearly shows Woodhill has not contemplated on using his invention as a payment processor, which is another main element found in our claim 1. In the final action, the examiner merely asserted that Woodhill has a payment processor but without any evidence (page 6 of action letter mailed 2 Dec 2005). Therefore, our submission is that Woodhill has failed to teach this payment processor element and therefore the examiner’s rejection is unsustainable.

There is no teaching to combine with Ronen which teach of a billing platform. At col 5

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line 27, and col 8 line 8 to 10, Ronen taught the billing platform to provide credit approval which is not the same as our payment processor since credit approval is sought from the telecommunication service provider. Ronen is silent on whether it seeks approval from the final biller ie VISA or any of the preferred billing method. Ronen only taught billing VISA etc. This is significant as it means direct involvement in acceptance and not merely as the ‘middleman’ processing instructions. In short, Ronen’s ‘payment processor’ is not processing payments, it is actually a ‘credit authorizer’ for the ISP Merchant and later bills the clients using their preferred billing methods

Even if there is a teaching, neither of them considers telecommunication accounts as the source of payment. The applicant submits that this claim should be allowable.

Claim 3.

This is now the two network authentication. As mentioned in claim 1, it is submitted Woodhill did not invent this method prior to our application 09/396,005 which has an earlier filing date. The applicant submits that this claim should be allowable.

Claim 4.

This claim now includes a prepaid card. The applicant wish to point out US patent 6,805,289 by Noriega , et al. with issued date October 19, 2004 and was filed May 23, 2002 which also deals with prepaid cards and able to process prepaid cards from different issuers. Since this US patent post dated our current application as well as the 09/396,005, we submit this claim is similarly allowable.

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This claim relates to the payer's wireless communication device will receive for storage at least one of the following : a receipt evidencing said transfer or goods or services over a wireless network. This was originally found in our claim 1 as originally filed. And we quote "at the payee or merchant's server, upon receiving this approval code, requested goods or services will be deemed sold to the payer and will be released according to the terms of sale over the network;" Because Woodhill has no teaching of a wireless communication device, then applicant submits this claim is allowable.

Claim 6

Claim 6 is now amended to be dependent on Claim 5. This claims relates to receiving goods and services where the payee is a merchant. The applicant submits that because Woodhill has no teaching of a wireless communication device, then similarly in view of claim 5 this claim should be allowed.

Claim 20.

This claim shows that the user could create sub-account identifiers linked to their main telecommunication account (See Fig 4 of instance application). This claim is also

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amended to show that identifier is not be a credit card number which is the source of funds found in Renon and Woodhill. Being a negative claim, antecedent can be found in instance application 09-827788 at page 6 at line 15 and we quote "This step is similar to using credit card but instead of the credit card number, a phone number is used instead."

This theme of using non banking products is firmly grounded in our Application 09/396005. For example:

Antecedent at page 5 of original application 09/396005.

At the outset, the main problem is how to deposit money in or to convert cash into electronic cash or to digitise it into accounts when there is no banking facility around. For example, to appreciate Phone Banking, one has to open an account with a bank first. This is a persistent problem plaguing isolated areas, which may only have telecommunications facilities but no banks or rather banks find it most costly to operate a physical branch where it is not profitable when the main thrust of business being local merchant transactions only.

Antecedent at page 9 of original application 09/396005.

It is also envisaged that this present invention will be used by local residents who do not have a credit/debit card, checking or savings account with a local bank (either because there is no local bank at their area or it is too far), but nevertheless need to pay some bills and have access to a public/private telephone and/or Internet Access.

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The applicant therefore submits that this claim is allowable.

Claims 33-45 are ADDED to show different classes ie article of manufacture and system adopting the elements found in above method claims and therefore the same rebuttal are on footing.